

Introduced by Senator Alpert
(Coauthor: Assembly Member Liu)

December 2, 2002

An act to amend Sections 33000, 33030, 33111, 33112, 33140, 33301, 41320.1, 41325, 41326, 41327, 41328, 66010.4, 66010.6, 66010.7, 66901, 66902, 66941, 70900, 70901, 70902, 71000, 71092, and 87482.4 of, to add Sections 1242, 35161.5, 35502, 66900.3, and 66901.3 to, to add Chapter 6 (commencing with Section 500) to Part 1 of, to repeal Sections 11005, 45357, 66903, 66903.2, 69563, 99181, and 99182 of, and to repeal and add Sections 33302 and 33303 of, the Education Code, relating to public education governance.

LEGISLATIVE COUNSEL'S DIGEST

SB 6, as introduced, Alpert. Public education governance.

(1) Existing law provides for a county superintendent of schools in each county to, among other things, superintend the schools in his or her county, maintain responsibility for fiscal oversight of school districts, and enforce the course of study.

This bill would impose a state-mandated local program by requiring each county superintendent of schools to perform additional duties relating to education services, professional development, parental grievances, fiscal oversight, technology access, and facility compliance.

(2) Existing law requires several different state entities to collect various data relating to pupil achievement in prekindergarten, kindergarten through grade 12, and postsecondary education.

This bill would establish the California Education Commission to serve as the statewide education data repository. Under the bill, the commission would have ultimate responsibility for compiling data and

providing analysis relating to the public education system as a whole, from prekindergarten to postsecondary education. The bill would also require the commission to coordinate communication and planning efforts between those education sectors. The bill would prescribe the membership of the commission.

(3) Existing law establishes the State Board of Education, consisting of 10 members appointed by the Governor, with the advice and consent of the Senate.

This bill would require the membership to be drawn from and represent distinct geographical regions of the state and to reflect the ethnic and gender diversity of the state's population.

(4) Existing law provides for the Superintendent of Public Instruction to superintend the schools of this state, to execute the policies decided upon by the State Board of Education, and to serve as the ex officio director of the State Department of Education.

This bill would eliminate those provisions, and instead would provide that the superintendent shall be responsible for all aspects of accountability in the public schools other than fiscal accountability, as provided.

(5) Existing law provides that the State Board of Education shall be the governing and policy determining body of the State Department of Education.

This bill, instead, would require the Governor to appoint a cabinet-level officer, known as the Chief Education Officer, to carry out all state-level education operations, management duties, and programmatic functions, and to serve as the ex officio Director of Education. The bill would make related changes.

(6) Existing law authorizes the governing board of a school district to initiate and carry on any program or activity, or to act in any manner that is not in conflict with or inconsistent with, or preempted by, any law and that is not in conflict with the purposes for which school districts are established.

This bill would impose a state-mandated local program by requiring the governing board of a school district to develop and implement policy to effectively operate schools that are responsive to both local community needs and to state academic standards and policy priorities. Among other things, the bill would require the governing board to establish a vision for the goals and performance objectives of the school district, adopt a fiscally responsible budget based on the goals and



objectives, seek partnerships with other entities and organizations, and provide support to ensure the success of its schools.

(7) Existing law authorizes a school district to be reorganized upon initiation by the electorate or upon recommendation by a county committee on school district organization.

This bill would state the intent of the Legislature to develop fiscal and governance incentives to encourage communities to organize their local schools into unified districts.

(8) Existing law provides that, when a school district becomes insolvent and accepts an emergency apportionment, the Superintendent of Public Instruction shall assume all the legal rights, duties, and powers of the governing board of the school district in order to ensure the school district's return to solvency.

This bill would instead require the Chief Education Officer to assume those rights, duties, and powers. The bill would make related changes.

(9) Existing law, known as the Donahoe Higher Education Act, sets forth, among other things, the missions and functions of California's public and independent segments of higher education, and their respective institutions of higher education. Among other things, the act establishes the California Postsecondary Education Commission as the statewide postsecondary education planning and coordinating agency and advisor to the Legislature and the Governor. Existing law requires the commission to provide data to the Legislature and the Governor through the completion and submission of various reports and studies.

This bill would generally recast and revise the statutes relating to the California Postsecondary Education Commission. The bill would delete provisions requiring the commission to perform various specified studies. The bill would set forth the primary functions of the commission, including providing of long-range planning for meeting the postsecondary education needs of Californians, providing policy and fiscal analyses regarding the most critical issues affecting the success of Californians attending postsecondary education institutions, coordinating relevant proposals of various public and private entities, advising the Legislature on appropriate accountability indicators for postsecondary education, evaluating and reporting to the Legislature and the Governor on the performance of public postsecondary institutions, reviewing and approving new campuses for public postsecondary education, and reviewing public postsecondary academic programs.



The bill would specify that the Chancellor of the California Community Colleges, the Chancellor of the California State University, the President of the University of California, and the President of the Association of Independent California Colleges and Universities are members of the advisory committee to the commission.

The bill would require the commission to submit an annual report to the chairs of the budget committees of both houses of the Legislature and to the Legislative Analyst regarding the record of the various segments of postsecondary education in responding to the commission's requests for information.

(10) Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of local community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state. Existing law specifies that the primary mission of the California Community Colleges is to offer academic and vocational instruction through, but not beyond, the second year of college.

This bill would specify that the California Community Colleges are a public trust. The bill would recast and revise the provisions relating to the primary mission of the California Community Colleges. Among other things, the bill would authorize community colleges to provide instruction at the upper division level jointly with the California State University, the University of California, or an independent or private college or university that is accredited by the Western Association of Colleges and Universities.

The bill would expand the membership of the board of governors to include the Governor, the Lieutenant Governor, the Superintendent of Public Instruction, and the Speaker of the Assembly as voting members, serving *ex officio*.

The bill would revise and streamline the provisions relating to the duties of local community college governing boards.

(11) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.



This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
2 following:
- 3 (a) In order to guarantee that pupils receive the high-quality
4 education that is promised to them, accountability must be infused
5 throughout California's education system.
- 6 (1) A meaningful system of accountability includes clear
7 expectations and clear definitions of the roles and responsibilities
8 of all participants, evaluation of the outcomes of efforts, and
9 provision of the means to influence institutional and educational
10 improvement.
- 11 (2) Effective accountability requires the linkage of
12 responsibility and authority throughout the state's education
13 system.
- 14 (3) Accountability is fostered by clearly defining the
15 responsibilities of each participant in the system, ensuring that
16 sufficient authority is afforded to each participant to carry out
17 those responsibilities, and then ensuring that those responsibilities
18 are carried out.
- 19 (b) Accountability must be shared among all participants in the
20 education process, including pupils, parents, teachers and faculty,
21 administrators, schools, colleges, universities, governing boards,
22 other governmental entities, and the business and civic
23 communities, and the participants should be provided with a clear
24 understanding of what is expected of each participant.
- 25 (c) Accountability and educational improvement in California
26 must be guided by valid, comprehensive, understandable, and
27 regularly reported data that permits useful and informed decisions
28 and judgments to be made about pupil learning and the conditions
29 under which pupils learn. The data should also support systematic,
30 long-term planning by state and local entities.

(d) Local education agencies are uniquely situated to clearly identify the distinct and diverse needs of their pupils and communities, and to shape educational experiences to best meet those needs. Local decision making enhances the access of local residents to the policy functions of government, and that access can enhance community involvement and support in the educational process. Therefore, an appropriate degree of local control should be afforded as roles and responsibilities are delineated for participants in the education system.

(e) California has made significant, though insufficient, progress towards instilling greater accountability in public education. However, efforts to improve educational accountability are currently complicated by overlapping responsibilities among state, regional, and local entities. A further complication is the lack of alignment between the responsibilities assigned to various entities and the authority those entities have been provided to carry out those responsibilities. These complications must be mitigated.

(f) A primary responsibility of the state must be to clearly define a structure of governance for the public education system that meets the principles of accountability described in this section, that supports pupil learning, and that is sustainable.

SEC. 2. Chapter 6 (commencing with Section 500) is added to Part 1 of the Education Code, to read:

CHAPTER 6. CALIFORNIA EDUCATION COMMISSION

500. There is in the state government the California Education Commission. The California Education Commission has primary responsibility for compiling data and providing analysis relating to the public education system as a whole, including preschool, kindergarten through grade 12, and postsecondary education. The California Education Commission shall also coordinate communication and planning efforts among these education sectors.

501. (a) The California Education Commission shall be composed of eight members of the public, to be appointed as follows:

(1) Four members shall be appointed by the Governor.

(2) Two members shall be appointed by the Senate Committee on Rules.

1 (3) Two members shall be appointed by the Speaker of the
2 Assembly.

3 (b) The Superintendent of Public Instruction shall serve as the
4 chair of the California Education Commission.

5 502. (a) A member of the California Education Commission
6 shall serve for a term of two years, and shall hold office until the
7 appointment and qualification of his or her successor.

8 (b) Two of the members appointed to the California Education
9 Commission in 2003 pursuant to paragraph (1) of subdivision (a)
10 of Section 501 shall serve one-year terms. One member each
11 appointed to the California Education Commission in 2003
12 pursuant to paragraphs (2) and (3) of subdivision (a) of Section
13 501 shall serve a one-year term.

14 503. The primary duties of the California Education
15 Commission shall include all of the following:

16 (a) Providing long-range analysis and planning for meeting the
17 educational needs of all Californians.

18 (b) Providing policy and fiscal advice to the Chief Education
19 Officer based on data analysis that represents the public interest in
20 the state's education system.

21 (c) Serving as the statewide education data repository.

22 (d) Evaluating the extent to which all public education
23 institutions are operating consistent with state policy priorities.

24 (e) Advising the Legislature and the Governor on the potential
25 impacts of major education policy proposals and initiatives.

26 (f) Coordinating statewide articulation of curriculum and
27 assessment between the prekindergarten, kindergarten through
28 grade 12, and postsecondary education sectors.

29 (g) Providing long-term planning for the development of joint
30 and other shared use of facilities and programs between
31 prekindergarten, kindergarten through grade 12, and
32 postsecondary education entities.

33 (h) Sponsoring and directing intersegmental programs that
34 benefit pupils making the transition from secondary schools to
35 colleges and universities.

36 (i) Coordinating outreach activities among prekindergarten,
37 kindergarten through grade 12, postsecondary education, and
38 work-sector entities.

39 504. The California Education Commission shall compile
40 data necessary to allow the Superintendent of Public Instruction to

1 assess the effectiveness of educational programs for elementary
2 pupils and to integrate the data with other efforts to assess the
3 Academic Performance Index.

4 505. It is the intent of the Legislature to identify and
5 implement effective mechanisms to compel all agencies with
6 responsibility for gathering and maintaining comprehensive data
7 on one or more aspects of the state's education system, preschool
8 through university, to submit data to the California Education
9 Commission.

10 SEC. 3. Section 1242 is added to the Education Code, to read:
11 1242. Each county superintendent of schools shall do all of
12 the following:

13 (a) Provide educational services directly to pupils that attend
14 small school districts, as defined by subdivision (c) of Section
15 44046, that are not able to provide a comprehensive array of
16 curricular offerings or learning support.

17 (b) Provide professional development to, or facilitate the
18 provision of professional development for, education personnel in
19 school districts requesting these services.

20 (c) Serve as the appellate body for parents or guardians who
21 disagree with a decision of the governing board of a school district.

22 (d) Monitor fiscal decisions of the school districts in the county
23 and, if necessary, intervene to prevent bankruptcy.

24 (e) Serve as the primary catalyst and facilitating officer to
25 ensure that all public schools in the county have access to a
26 technology infrastructure that enables electronic exchange of
27 information and educational materials.

28 (f) Monitor the facility decisions of the school districts in the
29 county to ensure that every school district maintains facilities that
30 comply with state law.

31 SEC. 4. Section 11005 of the Education Code is repealed.

32 ~~11005. Based upon evaluations conducted pursuant to former~~
33 ~~Section 11004, the California Postsecondary Education~~
34 ~~Commission may identify projects that are ineffective or not~~
35 ~~cost effective for termination. Funds made available as a result of~~
36 ~~that termination shall be reallocated for the awarding of new grants~~
37 ~~pursuant to Section 11003.~~

38 SEC. 5. Section 33000 of the Education Code is amended to
39 read:

1 33000. (a) There is in the state government a State Board of
2 Education, consisting of 10 members, who are appointed by the
3 Governor with the advice and consent of two-thirds of the Senate.

4 (b) *The membership of the State Board of Education shall be*
5 *drawn from, and represent, distinct geographical regions of the*
6 *state, and shall reflect the ethnic and gender diversity of the state's*
7 *population.*

8 SEC. 6. Section 33030 of the Education Code is amended to
9 read:

10 33030. ~~The function of the board shall determine all questions~~
11 ~~of be limited to determining policy within its powers matters~~
12 ~~specified in law.~~

13 SEC. 7. Section 33111 of the Education Code is amended to
14 read:

15 33111. ~~The Superintendent of Public Instruction shall~~
16 ~~execute, under direction of the State Board of Education, the~~
17 ~~policies which have been decided upon by the board and shall~~
18 ~~direct, under general rules and regulations adopted by the state~~
19 ~~Board of Education, the work of all appointees and employees of~~
20 ~~the board be responsible for all aspects of accountability in the~~
21 ~~public schools other than fiscal accountability. In ensuring~~
22 ~~accountability, the Superintendent of Public Instruction shall do~~
23 ~~all of the following:~~

24 (a) *Provide for and manage a comprehensive accountability*
25 *system of pupil and institutional measurement that includes*
26 *governance and policy instruments that aim to ensure adequate*
27 *and equitable education.*

28 (b) *Ensure compliance with special education and civil rights*
29 *laws by all relevant participants in the education system.*

30 (c) *Monitor the impact of state policy on the success of local*
31 *kindergarten through grade 12 programs in fostering pupil*
32 *achievement.*

33 (d) *Monitor the implementation of state and federal programs*
34 *to ensure that they meet the needs of all targeted pupils.*

35 (e) *Publicly identify schools that fail to meet pupil achievement*
36 *targets.*

37 (f) *Define and implement a process for intervention in schools*
38 *that fail to meet pupil achievement targets.*

1 (g) *Serve as an advisor to the Legislature and the Governor on*
2 *academic accountability, and act as an advocate to promote the*
3 *state's Master Plan for Education and system accountability.*

4 (h) *Act as the independent spokesperson for California's*
5 *populace, and pupils in particular, on public discourse on*
6 *educational issues.*

7 SEC. 8. Section 33112 of the Education Code is amended to
8 read:

9 33112. The Superintendent of Public Instruction shall:

10 ~~(a) Superintend the schools of this state.~~

11 ~~(b) Prepare, have printed, and furnish to teachers and to all~~
12 ~~officers charged with the administration of the laws relating to the~~
13 ~~public schools the blank forms and books necessary to the~~
14 ~~discharge of their duties, including blank teachers' certificates to~~
15 ~~be used by county and city and county boards of education.~~

16 ~~(c) Authenticate with his or her official seal all drafts or orders~~
17 ~~drawn by him or her, and all papers and writings issued from his~~
18 ~~or her office.~~

19 ~~(d) Have bound, at the state bindery, all valuable school reports,~~
20 ~~journals, and documents in his or her office, or received by him or~~
21 ~~her.~~

22 ~~(e) Deliver deliver over, at the expiration of his or her term of~~
23 ~~office, on demand, to his or her successor, all property, books,~~
24 ~~documents, maps, records, reports, and other papers belonging to~~
25 ~~his or her office, or which may have been received by him or her~~
26 ~~for the use of his or her office.~~

27 ~~(f) Designate and appoint, or terminate the designation and~~
28 ~~appointment of, any officer or employee of the department to have~~
29 ~~the powers and liabilities of a deputy, including designation~~
30 ~~pursuant to Section 7.9 of the Government Code, which~~
31 ~~appointment and termination of appointment shall be effective~~
32 ~~when filed in writing in the office of the Secretary of State.~~

33 ~~(g) Annually inform the governing boards of school districts,~~
34 ~~in a manner prescribed by the superintendent, of the provisions of~~
35 ~~Section 60510.5.~~

36 SEC. 9. Section 33140 of the Education Code is amended to
37 read:

38 33140. The duties of the Deputy Superintendent of Public
39 Instruction and of the associate superintendents of public
40 instruction appointed by the State Board of Education under

1 Section 2.1 of Article IX of the Constitution of this state shall be
2 ~~such as are those~~ assigned to them by the ~~Superintendent of Public~~
3 ~~Instruction~~ *Chief Education Officer*.

4 SEC. 10. Section 33301 of the Education Code is amended to
5 read:

6 33301. The *State* Department of Education shall be
7 administered through:

8 ~~(a) The State Board of Education which shall be the Director~~
9 ~~of Education, who is the governing and policy determining body~~
10 ~~officer of the department.~~

11 ~~(b) The Director of Education, and in whom all executive and~~
12 ~~administrative functions of the department are vested and who is~~
13 ~~the executive officer of the State Board of Education.~~

14 SEC. 11. Section 33302 of the Education Code is repealed.

15 ~~33302. The Department of Education shall be conducted~~
16 ~~under the control of an executive officer known as the Director of~~
17 ~~Education.~~

18 SEC. 12. Section 33302 is added to the Education Code, to
19 read:

20 33302. (a) The Governor shall appoint a cabinet level officer,
21 known as the Chief Education Officer, who shall carry out all
22 state-level education operations, management duties, and
23 programmatic functions, and serve as the ex officio Director of
24 Education.

25 (b) The Chief Education Officer shall have authority over the
26 operations of the prekindergarten through grade 12 public
27 education system at large, and shall have ultimate responsibility
28 for the delivery of education to pupils attending those schools.

29 (c) The duties of the Chief Education Officer include all of the
30 following:

31 (1) Apportioning resources to schools to support teaching and
32 learning pursuant to statutory and budgetary direction.

33 (2) Managing a statewide financial accountability program,
34 and overseeing local school district fiscal audit reviews.

35 (3) Establishing education standards and other learning
36 expectations for pupils, and adopting a periodic review process to
37 modify those standards and expectations when necessary.

38 (4) Establishing developmentally appropriate programs and
39 operating standards for early childhood education, and requiring

1 continuity between the programs and standards for preschool and
2 kindergarten.

3 (5) Administering school improvement programs.

4 (6) Promoting an understanding of effective uses of data to
5 improve pupil learning.

6 (7) Making recommendations to the Legislature regarding the
7 most appropriate state office or officer that should be responsible
8 for the adoption of textbooks for kindergarten through grade 8.

9 SEC. 13. Section 33303 of the Education Code is repealed.

10 ~~33303. The Superintendent of Public Instruction is ex officio~~
11 ~~Director of Education.~~

12 SEC. 14. Section 33303 is added to the Education Code, to
13 read:

14 33303. The Chief Education Officer shall do all of the
15 following:

16 (a) Prepare, have printed, and furnish to teachers and to all
17 officers charged with the administration of the laws relating to the
18 public schools, the blank forms and books necessary to the
19 discharge of their duties, including blank teachers' certificates to
20 be used by county and city and county boards of education.

21 (b) Authenticate, with his or her official seal, all drafts or orders
22 drawn by him or her, and all papers and writings issued from his
23 or her office.

24 (c) Have bound, at the state bindery, all valuable school reports,
25 journals, and documents in his or her office, or received by him or
26 her.

27 (d) Designate and appoint, or terminate the designation and
28 appointment of, any officer or employee of the department to have
29 the powers and liabilities of a deputy, including designation
30 pursuant to Section 7.9 of the Government Code, which
31 appointment and termination of appointment shall be effective
32 when filed in writing in the office of the Secretary of State.

33 (e) Annually inform the governing boards of school districts of
34 the provisions of Section 60510.5.

35 SEC. 15. Section 35161.5 is added to the Education Code, to
36 read:

37 35161.5. The governing board of a school district shall
38 develop and implement policies to effectively operate schools that
39 are responsive to both local community needs and to state
40 academic standards and policy priorities. In developing and

1 implementing these policies, the governing board shall do all of
2 the following:

3 (a) Establish a vision for the goals and performance objectives
4 of the school district.

5 (b) Develop and adopt a policy to implement local, state, and
6 federal goals, and to implement academic requirements for the
7 prekindergarten through grade 12 system, as a whole, within the
8 local context.

9 (c) Recruit highly qualified individuals for senior level
10 positions.

11 (d) Ensure that the school district superintendent is meeting the
12 goals and performance objectives of the district, and ensure that
13 the school district superintendent holds district personnel
14 accountable.

15 (e) Adopt a fiscally responsible budget based on the district's
16 goals and objectives, and regularly monitor the fiscal health of the
17 district.

18 (f) Allocate available resources within the district so as to
19 balance basic needs, including appropriate staffing, security, and
20 cleanliness, and allocate additional educational resources
21 identified pursuant to the Quality Education Model to be
22 developed pursuant to Part 38 (commencing with Section 64200).

23 (g) Establish a framework for the district's collective
24 bargaining process, if any, in conformity with law and adopt
25 responsible agreements that reflect the interests of the public.

26 (h) Adopt a curriculum for the district in accordance with state
27 standards and monitor pupil progress.

28 (i) Provide support, as necessary, to ensure the success of
29 schools within the district.

30 (j) Collaborate and seek partnerships with other local
31 government entities, local employers, postsecondary education
32 institutions, and community organizations.

33 (k) With particular regard to middle and secondary schools,
34 promote locally tailored efforts to achieve and maintain high rates
35 of pupil attendance.

36 SEC. 16. Section 35502 is added to the Education Code, to
37 read:

38 35502. (a) It is the intent of the Legislature to develop fiscal
39 and governance incentives to encourage communities to organize
40 their local schools into unified districts.



(b) It is also the intent of the Legislature to eliminate all disincentives relative to school district unification.

SEC. 17. Section 41320.1 of the Education Code is amended to read:

41320.1. Acceptance by the district of the apportionments made pursuant to Section 41320 shall constitute agreement by the district to all of the following conditions:

(a) The ~~Superintendent of Public Instruction~~ *Chief Education Officer* shall appoint a trustee who has recognized expertise in management and finance and may employ, on a short-term basis, any staff necessary to assist the trustee, including, but not limited to, certified public accountants, as follows:

(1) The expenses incurred by the trustee and any necessary staff shall be borne by the district.

(2) The ~~superintendent~~ *Chief Education Officer* shall establish the terms and conditions of the employment, including the remuneration of the trustee. The trustee shall serve at the pleasure of, and report directly to, the ~~superintendent~~ *Chief Education Officer*.

(3) The trustee, and any necessary staff, shall serve until the loan called for by this section is repaid, the district has adequate fiscal systems and controls in place, and the ~~superintendent~~ *Chief Education Officer* has determined that the district's future compliance with the fiscal plan approved for the district under Section 41320 is probable.

(4) Before the district repays the loan, including interest, the recipient of the loan shall select an auditor from a list established by the ~~superintendent~~ *Chief Education Officer* and the Controller to conduct an audit of its fiscal systems. If the fiscal systems are deemed to be inadequate, the ~~superintendent~~ *Chief Education Officer* may retain the trustee until the deficiencies are corrected. The cost of this audit and any additional cost of the trustee shall be borne by the district.

(5) Notwithstanding any other ~~provision of~~ law, all reports submitted to the trustee shall be public records.

(6) To facilitate the appointment of the trustee and the employment of any necessary staff, for the purposes of this section, the ~~Superintendent of Public Instruction~~ *Chief Education Officer* is exempt from the requirements of Article 6 (commencing with Section 999) of Chapter 6 of Division 4 of the Military and

1 Veterans Code and Part 2 (commencing with Section 10100) of the
2 Public Contracts Code.

3 (7) Notwithstanding any other ~~provisions~~ of law, the
4 ~~superintendent~~ *Chief Education Officer* may appoint an employee
5 of the State Department of Education to act as trustee for up to the
6 duration of the trusteeship. The salary and benefits of that
7 employee shall be established by the ~~superintendent~~ *Chief*
8 *Education Officer* and paid by the school district. During the time
9 of appointment, the employee shall be deemed an employee of the
10 school district, but shall remain in the same retirement system
11 under the same plan as if the employee had remained in the
12 department. Upon the expiration or termination of the
13 appointment, the employee shall have the right to return to his or
14 her former position, or to a position at substantially the same level
15 as that position, with the department. The time served in the
16 appointment shall be counted for all purposes as if the employee
17 had served that time in his or her former position with the
18 department.

19 (b) The trustee appointed by the ~~superintendent~~ *Chief*
20 *Education Officer* shall monitor and review the operation of the
21 district. During the period of his or her service, the trustee may stay
22 or rescind any action of the local district governing board that, in
23 the judgment of the trustee, may affect the financial condition of
24 the district. The ~~Superintendent of Public Instruction~~ *Chief*
25 *Education Officer* may establish timelines and prescribe formats
26 for reports and other materials to be used by the trustee to monitor
27 and review the operations of the district. The trustee shall approve
28 or reject all reports and other materials required from the district
29 as a condition of receiving the apportionment. The ~~superintendent~~
30 *Chief Education Officer*, upon the recommendation of the trustee,
31 may reduce any apportionment to the district in an amount up to
32 two hundred dollars (\$200) per day for each late or unacceptable
33 report or other material required under Part 24 (commencing with
34 Section 41000), and shall report to the Legislature any failure of
35 the district to comply with the requirements of this section. If the
36 ~~Superintendent of Public Instruction~~ *Chief Education Officer*
37 determines, at any time, that the fiscal plan approved for the
38 district under Section 41320 is unsatisfactory, he or she may
39 modify the plan as necessary, and the district shall comply with the
40 plan as modified.

1 (c) At the request of the ~~Superintendent of Public Instruction~~
2 *Chief Education Officer*, the Controller shall transfer to the State
3 Department of Education, from any apportionment to which the
4 district would otherwise have been entitled pursuant to Section
5 42238, the amount necessary to pay the expenses incurred by the
6 trustee and any associated costs incurred by the county
7 superintendent of schools.

8 (d) For the fiscal year in which the apportionments are
9 disbursed and each year thereafter, the Controller, or his or her
10 designee, shall cause an audit to be conducted of the books and
11 accounts of the district, in lieu of the audit required by Section
12 41020. At the Controller's discretion, the audit may be conducted
13 by the Controller, his or her designee, or an auditor selected by the
14 district and approved by the Controller. The costs of these audits
15 shall be borne by the district. These audits shall be required until
16 the Controller determines, in consultation with the ~~Superintendent~~
17 ~~of Public Instruction~~ *Chief Education Officer*, that the district is
18 financially solvent, but in no event earlier than one year following
19 the implementation of the plan or later than the time the
20 apportionment made is repaid, including interest. In addition, the
21 Controller shall conduct quality control reviews pursuant to
22 subdivision (c) of Section 14504.2.

23 (e) For all purposes of errors and omissions liability insurance
24 policies, the trustee appointed pursuant to this section shall be
25 deemed to be an employee of the local education agency to which
26 he or she is assigned. For the purpose of workers' compensation
27 benefits, the trustee shall be deemed an employee of the local
28 education agency to which he or she is assigned, except that a
29 trustee appointed pursuant to paragraph (7) of subdivision (a) shall
30 be deemed an employee of the State Department of Education for
31 that purpose.

32 (f) Except for an individual appointed by the ~~superintendent~~
33 *Chief Education Officer* as trustee pursuant to paragraph (7) of
34 subdivision (a), the state-appointed trustee shall be a member of
35 the State Teachers' Retirement System, if qualified, for the period
36 of service as trustee, unless the trustee elects in writing not to
37 become a member. A person who is a member or retirant of the
38 State Teachers' Retirement System at the time of appointment
39 shall continue to be a member or retirant of the system for the
40 duration of the appointment. If the trustee chooses to become a

1 member or is already a member, the trustee shall be placed on the
2 payroll of the school district for the purposes of providing
3 appropriate contributions to the system. The ~~superintendent~~ *Chief*
4 *Education Officer* may also require that any individual appointed
5 as trustee pursuant to paragraph (7) of subdivision (a) be placed on
6 the payroll of the school district for purposes of remuneration,
7 other benefits, and payroll deductions. For the purpose of workers'
8 compensation benefits, the state-appointed trustee is deemed an
9 employee of the local education agency to which he or she is
10 assigned, except that a trustee who is appointed pursuant to
11 paragraph (7) of subdivision (a) is deemed an employee of the
12 State Department of Education for that purpose.

13 SEC. 18. Section 41325 of the Education Code is amended to
14 read:

15 41325. (a) The Legislature finds and declares that when a
16 school district becomes insolvent and requires an emergency
17 apportionment from the state in the amount designated in this
18 article, it is necessary that the ~~Superintendent of Public Instruction~~
19 *Chief Education Officer* assume control of the district in order to
20 ensure the district's return to fiscal solvency.

21 (b) It is the intent of the Legislature that the ~~Superintendent of~~
22 ~~Public Instruction~~ *Chief Education Officer*, operating through an
23 appointed administrator, do all of the following:

24 (1) Implement substantial changes in the district's fiscal
25 policies and practices, including, if necessary, the filing of a
26 petition under Chapter 9 of the federal Bankruptcy Act (*11 U.S.C.*
27 *Sec. 901 et seq.*) for the adjustment of indebtedness.

28 (2) Revise the district's educational program to reflect realistic
29 income projections, in response to the dramatic effect of the
30 changes in fiscal policies and practices upon educational program
31 quality and the potential for the success of all pupils.

32 (3) Encourage all members of the school community to accept
33 a fair share of the burden of the district's fiscal recovery.

34 (4) Consult, for the purposes described in this subdivision, with
35 the school district governing board, the exclusive representatives
36 of the employees of the district, parents, and the community.

37 (5) Consult with and seek recommendations from the county
38 superintendent of schools for the purposes described in this
39 subdivision.

1 SEC. 19. Section 41326 of the Education Code is amended to
2 read:

3 41326. (a) Notwithstanding any other provision of this code,
4 the acceptance by a school district of an apportionment made
5 pursuant to Section 41320 that exceeds an amount equal to 200
6 percent of the amount of the reserve recommended for that district
7 under the standards and criteria adopted pursuant to Section 33127
8 shall constitute agreement by the district to the conditions set forth
9 in this article. Prior to applying for an emergency apportionment
10 in the amount identified in this subdivision, a school district
11 governing board shall discuss the need for that apportionment at
12 a regular or special meeting of the governing board and, at that
13 meeting, shall receive testimony regarding the apportionment
14 from parents, exclusive representatives of employees of the
15 district, and other members of the community. For purposes of this
16 article, “qualifying school district” means a school district that
17 accepts a loan as described in this subdivision.

18 (b) The ~~Superintendent of Public Instruction~~ *Chief Education*
19 *Officer* shall assume all the legal rights, duties, and powers of the
20 governing board of a qualifying school district. The
21 ~~Superintendent of Public Instruction~~ *Chief Education Officer*, in
22 consultation with the county superintendent of schools, may
23 appoint an administrator to act on his or her behalf in exercising
24 the authority described in this subdivision and may, on a
25 short-term basis employ any staff necessary to assist the
26 administrator, including, but not limited to, a certified public
27 accountant, as follows:

28 (1) The state-appointed administrator shall serve under the
29 direction and supervision of the ~~Superintendent of Public~~
30 ~~Instruction~~ *Chief Education Officer* until terminated by the
31 ~~Superintendent of Public Instruction~~ *Chief Education Officer* at
32 his or her discretion. The ~~superintendent~~ *Chief Education Officer*
33 shall consult with the county superintendent of schools before
34 terminating the administrator.

35 (2) The state-appointed administrator shall have recognized
36 expertise in management and finance.

37 (3) To facilitate the appointment of the administrator and the
38 employment of any necessary staff, for the purposes of this
39 section, the ~~Superintendent of Public Instruction~~ *Chief Education*
40 *Officer* is exempt from the requirements of Article 6 (commencing

with Section 999) of Chapter 6 of Division 4 of the Military and Veterans Code and Part 2 (commencing with Section 10100) of the Public Contracts Code.

(4) Notwithstanding any other ~~provisions of~~ law, the ~~superintendent~~ *Chief Education Officer* may appoint an employee of the State Department of Education to act as administrator for up to the duration of the administratorship. The salary and benefits of that employee shall be established by the ~~superintendent~~ *Chief Education Officer* and paid by the school district. During the time of appointment, the employee shall be deemed an employee of the school district, but shall remain in the same retirement system under the same plan as if the employee had remained in the department. Upon the expiration or termination of the appointment, the employee shall have the right to return to his or her former position, or to a position at substantially the same level as that position, with the department. The time served in the appointment shall be counted for all purposes as if the employee had served that time in his or her former position with the department.

(c) For the period of time during which the ~~Superintendent of Public Instruction~~ *Chief Education Officer* exercises the authority described in subdivision (b), the governing board of the qualifying school district shall serve as an advisory body reporting to the state-appointed administrator, in which capacity no member of the governing board shall be paid or entitled to any stipend, benefits, or other compensation.

(d) Notwithstanding Section 35031 or any other ~~provision of~~ law, the employment of any district superintendent of schools, or deputy, associate, or assistant superintendent of schools, or other person employed in an equivalent capacity, whose duties include overseeing, managing, or otherwise directing the fiscal and budgetary operations of the school district, and who is employed by a school district under a contract of employment signed or renewed after the effective date of this article may be terminated by the state-appointed administrator, in accordance with appropriate notice and hearing procedures, if the employee fails to document, to the satisfaction of the state-appointed administrator, that prior to the date of that acceptance he or she either advised the governing board of the district, or his or her superior, that actions contemplated or taken by the governing board could result in the

1 fiscal insolvency of the district, or took other appropriate action to
2 avert that fiscal insolvency.

3 (e) The authority of the ~~Superintendent of Public Instruction~~
4 *Chief Education Officer*, and the state-appointed administrator,
5 under this section shall continue until all of the following occur:

6 (1) Two complete fiscal years have elapsed following the
7 district's acceptance of a loan as described in subdivision (a), or,
8 at any time after one complete fiscal year has elapsed following
9 that acceptance, the state-appointed administrator determines, and
10 so notifies the ~~Superintendent of Public Instruction~~ *Chief*
11 *Education Officer*, that future compliance by the school district
12 with the recovery plans approved pursuant to paragraph (2) is
13 probable.

14 (2) The ~~Superintendent of Public Instruction~~ *Chief Education*
15 *Officer* has approved all of the recovery plans referred to in
16 subdivision (a) of Section 41327.

17 (3) The state-appointed administrator certifies that all
18 necessary collective bargaining agreements have been negotiated
19 and ratified, and that the agreements are consistent with the terms
20 of the recovery plans.

21 (4) The district has completed all reports required by the
22 ~~Superintendent of Public Instruction~~ *Chief Education Officer*.

23 (5) The ~~Superintendent of Public Instruction~~ *Chief Education*
24 *Officer* determines that future compliance by the school district
25 with the recovery plans approved pursuant to paragraph (2) is
26 probable.

27 (f) When the conditions stated in subdivision (e) have been
28 met, the school district governing board shall regain all of its legal
29 rights, duties, and powers, except for the powers held by the trustee
30 provided for pursuant to Article 2 (commencing with Section
31 41320). The ~~Superintendent of Public Instruction~~ *Chief Education*
32 *Officer* shall then appoint a trustee under Section 41320.1 to
33 monitor and review the operations of the district until the
34 conditions of subdivision (b) of that section have been met.

35 (g) Notwithstanding subdivision (f), if the district violates any
36 provision of the recovery plans approved by the ~~Superintendent of~~
37 ~~Public Instruction~~ *Chief Education Officer* pursuant to this article,
38 the ~~superintendent~~ *Chief Education Officer* may reassume, either
39 directly or through an administrator appointed in accordance with
40 this section, all of the legal rights, duties, and powers of the

governing board of the district. The ~~Superintendent of Public Instruction~~ *Chief Education Officer* shall return to the school district governing board all of its legal rights, duties, and powers reassumed under this subdivision when he or she determines that future compliance with the approved recovery plans is probable, or after a period of one year, whichever occurs later.

(h) Article 2 (commencing with Section 41320) shall apply except as otherwise specified in this article.

(i) It is the intent of the Legislature that the legislative budget subcommittees annually conduct a review of each qualifying school district that includes an evaluation of the financial condition of the district, the impact of the recovery plans upon the district's educational program, and the efforts made by the state-appointed administrator to obtain input from the community and the governing board of the district.

SEC. 20. Section 41327 of the Education Code is amended to read:

41327. (a) In accordance with timelines, instructions, and a format established by the ~~Superintendent of Public Instruction~~ *Chief Education Officer*, the state-appointed administrator shall prepare or obtain the following reports and plans:

(1) A management review and recovery plan.

(2) A multiyear financial recovery plan. The multiyear financial recovery plan shall include a plan, to be submitted annually on or before July 1, to repay to the state any and all loans owed by the district. Pursuant to the multiyear financial recovery plan, the repayment by the district of any state loans shall comply with all of the following, notwithstanding any provision of Article 2 (commencing with Section 41320):

(A) The loan or loans shall be repaid over a period of no more than 10 years following the initial disbursement of moneys under a loan as described in subdivision (a) of Section 41326. The repayment of the loan or loans shall commence not later than the fiscal year following the year in which the loan described in that subdivision is made.

(B) Interest shall accrue on the loan or loans as of the date the funds are received, at the average annual investment rate of the pooled investment account.

(3) During the period of service by the state-appointed administrator, an annual report on the financial condition of the

1 district, including, but not necessarily limited to, all of the
2 following information:

3 (A) Specific actions taken to reduce district expenditures or
4 increase income to the district, and the amount of the resulting cost
5 savings and increases in income.

6 (B) A copy of the adopted district budget for the current fiscal
7 year.

8 (C) The amount of the district budgetary reserve.

9 (D) The status of employee contracts.

10 (E) Any obstacles to the implementation of the recovery plans
11 described in paragraphs (1) and (2).

12 (b) Each of the reports or plans required under this section, or
13 under any other provision of law that requires the district to
14 prepare reports or plans, shall be submitted to the ~~Superintendent~~
15 ~~of Public Instruction~~ *Chief Education Officer* for approval, after
16 his or her consideration of comments and recommendations of the
17 county superintendent of schools. The ~~Superintendent of Public~~
18 ~~Instruction~~ *Chief Education Officer* may accept and approve, for
19 the purposes of this section, any reports or plans that were prepared
20 by or for the district prior to the district's acceptance of a loan as
21 described in subdivision (a) of Section 41326.

22 (c) With the approval of the ~~Superintendent of Public~~
23 ~~Instruction~~ *Chief Education Officer*, the state-appointed
24 administrator may enter into agreements on behalf of the district
25 and, subject to any contractual obligation of the district, change
26 any existing district rules, regulations, policies, or practices as
27 necessary for the effective implementation of the recovery plans
28 referred to in subdivision (a).

29 SEC. 21. Section 41328 of the Education Code is amended to
30 read:

31 41328. (a) The school district shall bear 60 percent, and the
32 county office of education of the county in which the district is
33 located shall bear 40 percent, not to exceed three times the amount
34 of funding made available to implement Article 2 (commencing
35 with Section 42120) of Chapter 6, of all costs associated with
36 implementing the provisions of this article, including, as to a loan
37 as described in subdivision (a) of Section 41326, the provisions of
38 Article 2 (commencing with Section 41320). The ~~Superintendent~~
39 ~~of Public Instruction~~ *Chief Education Officer* shall withhold from
40 the apportionments to be made from the State School Fund to the

1 district and to the county office of education, respectively, the
2 amounts due pursuant to this subdivision. The costs referred to in
3 this subdivision do not include the principal and interest on the
4 emergency apportionment, which shall be paid by the district in
5 accordance with this article.

6 (b) Notwithstanding subdivision (a), the district receiving the
7 loan shall pay all costs associated with the implementation of this
8 article, if either of the following occurs:

9 (1) The county office of education, in which the district is
10 located, seeks and is granted a waiver from the State Board of
11 Education based on financial hardship. The waiver may be granted
12 if the state board finds that the payment of the costs required by
13 subdivision (a) will compel the county office of education to seek
14 a loan from the Legislature in order to meet its financial
15 obligations. As part of the waiver request, the county
16 superintendent of schools and the county board of education shall
17 both certify that the financial hardship exists. The waiver is only
18 applicable in the fiscal year in which it is granted.

19 (2) The county office of education, in which the district is
20 located, seeks and is granted a waiver from the state board based
21 on its implementation and compliance with Sections 42127,
22 42127.1, 42127.2, 42127.3, 42127.6, and 42131. This waiver shall
23 be applicable until the loan is paid off by the district.

24 (c) In order to determine whether to grant either of the waivers
25 allowed in subdivision (b), the state board shall receive input and
26 recommendations exclusively from the district, the county office
27 involved, and the county office fiscal crisis and management
28 assistance team established by Section 42127.8. This input shall
29 include, but not be limited to, the reasons the waiver should or
30 should not be granted.

31 (d) The state-appointed administrator shall be deemed an
32 employee of the qualifying school district for all purposes of errors
33 and omissions liability insurance policies.

34 (e) Except for an individual appointed as administrator by the
35 ~~superintendent~~ *Chief Education Officer* pursuant to paragraph (4)
36 of subdivision (b) of Section 41326, an administrator appointed
37 pursuant to that section shall be a member of the State Teachers'
38 Retirement System, if qualified, for the period of service as
39 administrator, unless the administrator elects in writing not to
40 become a member. A person who is a member or retirant of the

1 State Teachers' Retirement System at the time of appointment
2 shall continue to be a member or retirant of the system for the
3 duration of the appointment. If the administrator chooses to
4 become a member or is already a member, the administrator shall
5 be placed on the payroll of the school district for the purposes of
6 providing appropriate contributions to the system. The
7 ~~superintendent~~ *Chief Education Officer* may also require that any
8 individual appointed as administrator pursuant to Section 41326
9 be placed on the payroll of the school district for purposes of
10 remuneration, other benefits, and payroll deductions. For the
11 purpose of workers' compensation benefits, the state-appointed
12 administrator shall be deemed an employee of the local education
13 agency to which he or she is assigned, except that an administrator
14 appointed pursuant to paragraph (4) of subdivision (b) of Section
15 41326 shall be deemed an employee of the State Department of
16 Education for that purpose.

17 (f) This section shall become operative on July 1, 1993.

18 SEC. 22. Section 45357 of the Education Code is repealed.

19 ~~45357. No later than June 30, 1994, the California~~
20 ~~Postsecondary Education Commission shall complete an~~
21 ~~evaluation of the Associate of Arts, Teacher Assistant program, as~~
22 ~~operated in the two community college districts selected pursuant~~
23 ~~to Section 45351, which shall include, but need not be limited to,~~
24 ~~the data set forth in paragraph (3) of subdivision (e) of Section~~
25 ~~45351, and shall report the results of that evaluation, together with~~
26 ~~its recommendations for program improvements, if any, to the~~
27 ~~Governor, the Legislature, the Board of Governors of the~~
28 ~~California Community Colleges, the Trustees of the California~~
29 ~~State University, and the Superintendent of Public Instruction.~~

30 SEC. 23. Section 66010.4 of the Education Code is amended
31 to read:

32 66010.4. The missions and functions of California's public
33 and independent segments, and their respective institutions of
34 higher education shall be differentiated as follows:

35 (a) (1) The California Community Colleges shall, as a primary
36 mission, offer ~~academic and vocational instruction at the lower~~
37 ~~division level for both younger and older students, including those~~
38 ~~persons returning to school. Public community colleges shall offer~~
39 ~~instruction in the general or liberal arts or sciences through, but~~
40 ~~not beyond the second year of college. These institutions may~~

~~grant~~, except that these institutions may provide instruction at the upper division level jointly with the California State University, the University of California, or an independent or private college or university that is accredited by the Western Association of Colleges and Universities. Community colleges shall provide education, training, and services that advance California's economic growth, and vocational and technical instruction leading to employment, as well as community services. Community college instruction shall lead to the granting of the associate in arts ~~and~~ or the associate in science degree, or to transfer to other institutions.

(2) In addition to the primary mission of academic and vocational instruction, the community colleges shall offer instruction and courses to achieve all of the following:

(A) The provision of remedial instruction for those in need of it and, in conjunction with the school districts, instruction in English as a second language, adult noncredit instruction, and support services which help students succeed at the postsecondary level are reaffirmed and supported as essential and important functions of the community colleges.

(B) The provision of adult noncredit education curricula in areas defined as being in the state's interest is an essential and important function of the community colleges.

(C) The provision of community services courses and programs is an authorized function of the community colleges so long as their provision is compatible with an institution's ability to meet its obligations in its primary missions.

(3) A primary mission of the California Community Colleges is to advance California's economic growth and global competitiveness through education, training, and services that contribute to continuous work force improvement.

(4) The community colleges may conduct, to the extent that state funding is provided, institutional research concerning student learning and retention as is needed to facilitate their educational missions.

(b) The California State University shall offer undergraduate and graduate instruction through the master's degree in the liberal arts and sciences and professional education, including teacher education. Presently established two-year programs in agriculture are authorized, but other two-year programs shall be permitted only when mutually agreed upon by the Trustees of the California

1 State University and the Board of Governors of the California
2 Community Colleges. The doctoral degree may be awarded jointly
3 with the University of California, as provided in subdivision (c)
4 and pursuant to Section 66904. The doctoral degree may also be
5 awarded jointly with one or more independent institutions of
6 higher education, provided that the proposed doctoral program is
7 approved by the California Postsecondary Education
8 Commission. Research, scholarship, and creative activity in
9 support of its undergraduate and graduate instructional mission is
10 authorized in the California State University and shall be
11 supported by the state. The primary mission of the California State
12 University is undergraduate and graduate instruction through the
13 master's degree.

14 (c) The University of California may provide undergraduate
15 and graduate instruction in the liberal arts and sciences and in the
16 professions, including the teaching professions. It shall have
17 exclusive jurisdiction in public higher education over instruction
18 in the profession of law and over graduate instruction in the
19 professions of medicine, dentistry, and veterinary medicine. It has
20 the sole authority in public higher education to award the doctoral
21 degree in all fields of learning, except that it may agree with the
22 California State University to award joint doctoral degrees in
23 selected fields. The University of California shall be the primary
24 state-supported academic agency for research.

25 (d) The independent institutions of higher education shall
26 provide undergraduate and graduate instruction and research in
27 accordance with their respective missions.

28 SEC. 24. Section 66010.6 of the Education Code is amended
29 to read:

30 66010.6. The missions of agencies charged with
31 coordination, administration, or implementation of higher
32 education policies and programs in California shall be as follows:

33 (a) (1) The California Postsecondary Education Commission
34 is the statewide postsecondary education coordinating and
35 planning agency. The commission shall serve as a principal fiscal
36 and program advisor to the Governor and the Legislature on
37 postsecondary educational policy. ~~Consistent with Section 66903,~~
38 ~~the commission's responsibilities shall include, but not be limited~~
39 ~~to, the following:~~



~~(1) Analysis and recommendations related to long-range planning for public postsecondary education.~~

~~(2) Analysis of state policy and programs involving the independent and private postsecondary educational sectors.~~

~~(3) Analysis and recommendations related to program and policy review.~~

~~(4) Resource analysis.~~

~~(5) Maintenance and publication of pertinent public information relating to all aspects of postsecondary education.~~

~~The commission~~

(2) *The California Postsecondary education Commission* shall consult with the postsecondary educational segments and with relevant state agencies, including the Student Aid Commission, the Superintendent of Public Instruction, and other relevant parties, in its preparation of analyses and recommendations to the Governor and the Legislature. However, the commission shall remain an independent and nonpartisan body responsible for providing an integrated and segmentally unbiased view for purposes of state policy formulation and evaluation.

(b) (1) ~~The California~~ Student Aid Commission is the primary state agency for the administration of state-authorized student financial aid programs available to students attending all segments of postsecondary education. These programs include grant, work study, and loan programs supported by the state and the federal government.

~~Consistent~~

(2) *Consistent* with this responsibility, the *Student Aid Commission* shall provide, in consultation with the postsecondary education segments and relevant state agencies, policy leadership on student financial aid issues, evaluate the effectiveness of its programs, conduct research and long-range planning as a foundation for program improvement, report on total state financial aid needs, and disseminate information to students and their families.

~~(c) The Council for Private Postsecondary and Vocational Education is the primary state agency responsible for approving and regulating private postsecondary and vocational educational institutions and for developing state policies for private postsecondary and vocational education in California. The council shall represent the private postsecondary and vocational education~~

~~institutions in all state level planning and policy discussions about postsecondary and vocational education.~~

SEC. 25. Section 66010.7 of the Education Code is amended to read:

66010.7. (a) The Legislature, through the enactment of this section, expresses its commitment to encourage and support collaboration and coordination among all segments of education.

(b) Within the differentiation of segmental functions outlined in this article, the institutions of higher education shall undertake intersegmental collaboration and coordination particularly when it can do any of the following:

(1) Enhance the achievement of the institutional missions shared by the segments.

(2) Provide more effective planning of postsecondary education on a statewide basis.

(3) Facilitate achievement of the goals of educational equity.

(4) Enable public and independent higher education to meet more effectively the educational needs of a geographic region.

(5) Facilitate student progress from one segment to another, particularly with regard to preparation of students for higher education as well as the transfer from the California Community Colleges to four-year institutions.

(c) The leaders responsible for public and independent institutions of higher education and the Superintendent of Public Instruction shall work together to promote and facilitate the development of intersegmental programs and other cooperative efforts aimed at improving the progress of students through the educational systems and at strengthening the teaching profession at all levels.

~~(d) The California Postsecondary Education Commission shall have responsibility for reviewing and evaluating the effectiveness of intersegmental activities in accomplishing the established goals, and shall report its findings to the Governor and Legislature biennially.~~

SEC. 26. Section 66900.3 is added to the Education Code, to read:

66900.3. The primary functions of the commission include all of the following:

(a) Providing long-range planning for meeting the postsecondary education needs of Californians, including the

1 adequate provision of facilities, programs, and campuses, and
2 assessing and advising state policymakers regarding priorities
3 dictated by current and evolving public needs.

4 (b) Providing policy and fiscal analyses regarding the most
5 critical issues affecting the success of Californians in attending and
6 graduating from postsecondary education institutions.

7 (c) Coordinating the analyses, policy recommendations, and
8 long-range planning proposals of various public and private
9 entities, as needed, to secure the long-term fiscal stability and
10 public financing of public postsecondary education, including the
11 development of student fee and financial aid policies and the
12 efficient use of state resources across segmental boundaries.

13 (d) Advising the Legislature on appropriate accountability
14 indicators for postsecondary education, to be adopted in statute,
15 and subsequently reporting annually to the Legislature and the
16 Governor on the performance of public postsecondary institutions
17 in meeting the adopted indicators.

18 (e) Evaluating and reporting to the Legislature and the
19 Governor on the extent to which public postsecondary education
20 institutions are operating consistently with state policy priorities
21 and discharging the responsibilities assigned to them in statute.

22 (f) Reviewing and approving new campuses for public
23 postsecondary education.

24 (g) Reviewing academic programs for public postsecondary
25 education institutions.

26 SEC. 27. Section 66901 of the Education Code is amended to
27 read:

28 66901. There is hereby created the California Postsecondary
29 Education Commission, which shall be advisory to the Governor,
30 the Legislature, other appropriate governmental officials, and
31 institutions of postsecondary education. The commission shall be
32 composed of the following members:

33 (a) One representative of the Regents of the University of
34 California designated by the regents, one representative of the
35 Trustees of the California State University designated by the
36 trustees, and one representative of the Board of Governors of the
37 California Community Colleges designated by the board.
38 Representatives of the regents, the trustees, and the board of
39 governors shall be chosen from among the appointed members of



1 their respective boards, but in no instance shall an ex officio
2 member of a governing board serve on the commission.

3 (b) One representative of the independent California colleges
4 and universities that are formed and operated as nonprofit
5 corporations in this state and are accredited by a regional
6 association that is recognized by the United States Department of
7 Education. This member shall be appointed by the Governor from
8 a list or lists submitted by an association or associations of those
9 institutions.

10 ~~(c) The chair or the designee of the chair of the Council for~~
11 ~~Private Postsecondary and Vocational Education.~~

12 ~~(d)~~ The President of the State Board of Education or his or her
13 designee from among the other members of the board.

14 ~~(e)~~

15 (d) Nine representatives of the general public appointed as
16 follows: three by the Governor, three by the Senate Rules
17 Committee, and three by the Speaker of the Assembly. It is the
18 intent of the Legislature that the commission be broadly and
19 equitably representative of the general public in the appointment
20 of its public members and that the appointing authorities,
21 therefore, shall confer to assure that their combined appointments
22 include adequate representation on the basis of sex and on the basis
23 of the significant racial, ethnic, and economic groups in the state.

24 ~~(f)~~

25 (e) Two student representatives, each of whom shall be
26 enrolled at a California postsecondary education institution at the
27 time of appointment and during the term of service, except that a
28 student member who graduates from an institution with no more
29 than six months of his or her term remaining shall be permitted to
30 serve for the remainder of the term. The Governor shall appoint the
31 student members from persons nominated by the appropriate
32 student organizations of each of the postsecondary education
33 segments. For each student member of the commission, the
34 appropriate student organization may submit a list of nominees.
35 The list shall specify not less than three and not more than five
36 nominees. The appropriate student organization for each segment
37 shall be a composite group of at least five representative student
38 government associations, as determined by the commission.

39 ~~(g)~~

1 (f) The student member appointed to the commission shall not
2 be enrolled in the same segment as the outgoing student member
3 or in the same segment of the other sitting student member.

4 ~~(h)~~

5 (g) No person who is employed by any institution of public or
6 private postsecondary education shall be appointed to or serve on
7 the commission, except that a person who is not a permanent,
8 full-time employee and who has part-time teaching duties that do
9 not exceed six hours per week may be appointed to and serve on
10 the commission.

11 ~~The~~

12 (h) (1) The commission members designated in subdivisions
13 (a), ~~(e)~~, and (d) shall serve at the pleasure of their respective
14 appointing authorities. The member designated in subdivision (b)
15 shall serve a three-year term. The members designated in
16 subdivision ~~(e)~~ (d) shall each serve a six-year term. The members
17 designated in subdivision ~~(f)~~ (e) shall each serve a two-year term.
18 The respective appointing authority may appoint an alternate for
19 each member who may, during the member's absence, serve on the
20 commission and vote on matters before the commission. When
21 vacancies occur prior to expiration of terms, the respective
22 appointing authority may appoint a member for the remainder of
23 the term.

24 ~~Any~~

25 (2) Any person appointed pursuant to this section may be
26 reappointed to serve additional terms.

27 ~~All~~

28 (3) All terms subsequent to the initial appointments, which
29 became effective on January 10, 1974, shall begin on January 1 of
30 the year in which the respective terms are to start.

31 ~~Any~~

32 (4) Any person appointed pursuant to this section who no
33 longer has the position that made him or her eligible for
34 appointment may nonetheless complete his or her term of office on
35 the commission.

36 ~~No~~

37 (i) No person appointed pursuant to this section shall, with
38 respect to any matter before the commission, vote for or on behalf
39 of, or in any way exercise the vote of, any other member of the
40 commission.

1 ~~The~~

2 (j) (1) *The* commission shall meet as often as it deems
3 necessary to carry out its duties and responsibilities.

4 ~~Any~~

5 (2) *Any* member of the commission who in any calendar year
6 misses more than one-third of the meetings of the full commission
7 forfeits his or her office, thereby creating a vacancy.

8 ~~The~~

9 (k) (1) *The* commission shall select a chair from among the
10 members representing the general public. The chair shall hold
11 office for a term of one year and may be selected to successive
12 terms.

13 ~~There is established an advisory committee to the commission~~
14 ~~and the director, consisting of the chief executive officers of each~~
15 ~~of the public segments, or their designees, the Superintendent of~~
16 ~~Public Instruction or his or her designee, and an executive officer~~
17 ~~from each of the groups of institutions designated in subdivisions~~
18 ~~(b) and (c) to be designated by the respective commission~~
19 ~~representative from these groups. Commission meeting agenda~~
20 ~~items and associated documents shall be provided to the~~
21 ~~committee in a timely manner for its consideration and comments.~~

22 ~~The~~

23 (2) *In addition to the advisory committee established by*
24 *Section 66901.3, the* commission may appoint any subcommittees
25 or advisory committees it deems necessary to advise the
26 commission on matters of educational policy. The advisory
27 committees may consist of commission members or nonmembers,
28 or both, including students, faculty members, segmental
29 representatives, governmental representatives, and
30 representatives of the public.

31 ~~The~~

32 (3) *The* commission shall appoint and may remove a director
33 in the manner hereafter specified. The director shall appoint
34 persons to any staff positions the commission may authorize.

35 ~~The~~

36 (l) *The* commission shall prescribe rules for the transaction of
37 its own affairs, ~~subject, however, . These rules shall be subject to~~
38 all the following requirements and limitations:

39 (1) The votes of all representatives shall be recorded.

1 (2) Effective action shall require the affirmative vote of a
2 majority of all the duly appointed members of the commission, not
3 including vacant commission seats.

4 (3) The affirmative votes of two-thirds of all the duly appointed
5 members of the commission, not including vacant commission
6 seats, shall be necessary to the appointment of the director.

7 SEC. 28. Section 66901.3 is added to the Education Code, to
8 read:

9 66901.3. (a) An advisory committee to the commission and
10 the director is established. All of the following are members of the
11 advisory committee:

12 (1) The Chancellor of the California Community Colleges.

13 (2) The Chancellor of the California State University.

14 (3) The President of the University of California.

15 (4) The President of the Association of Independent California
16 Colleges and Universities.

17 (5) The Superintendent of Public Instruction.

18 (b) Any member of the advisory committee may designate an
19 executive-level staff person to participate in meetings and other
20 activities of the advisory committee as his or her representative.

21 (c) Commission agenda items and associated documents shall
22 be provided to the advisory committee in a timely manner for its
23 consideration and comments.

24 SEC. 29. Section 66902 of the Education Code is amended to
25 read:

26 66902. (a) ~~The commission shall have power~~ *is authorized to*
27 *require the governing boards bodies and the institutions of each*
28 *segment of public postsecondary education to submit data on plans*
29 ~~and programs, costs, selection and retention of students,~~
30 ~~enrollments, plant capacities and other any matters deemed~~
31 ~~pertinent to effective planning, policy development, articulation~~
32 ~~and coordination, and by the commission.~~

33 (b) *Each fiscal year, immediately prior to the deliberations of*
34 *the Legislature relating to the budget for the segments of public*
35 *postsecondary education, the commission shall submit a report to*
36 *the respective chairs of the budget committees of the houses of the*
37 *Legislature and to the Legislative Analyst regarding the record of*
38 *the various segments in responding to the commission's requests*
39 *for information.*

1 (c) *The commission shall furnish timely information*
2 ~~concerning such matters to in response to requests of the Governor~~
3 ~~and to or the Legislature as requested by them.~~

4 SEC. 30. Section 66903 of the Education Code is repealed.

5 ~~66903. The commission has the following functions and~~
6 ~~responsibilities in its capacity as the statewide postsecondary~~
7 ~~education planning and coordinating agency and adviser to the~~
8 ~~Legislature and the Governor:~~

9 (a) ~~It shall require the governing boards of the segments of~~
10 ~~public postsecondary education to develop and submit to the~~
11 ~~commission institutional and systemwide long-range plans in a~~
12 ~~form determined by the commission after consultation with the~~
13 ~~segments.~~

14 (b) ~~It shall prepare a state plan for postsecondary education that~~
15 ~~shall integrate the planning efforts of the public segments with~~
16 ~~other pertinent plans. The commission shall seek to resolve~~
17 ~~conflicts or inconsistencies among segmental plans in consultation~~
18 ~~with the segments. If these consultations are unsuccessful, the~~
19 ~~commission shall report the unresolved issues to the Legislature~~
20 ~~with recommendations for resolution. In developing the plan, the~~
21 ~~commission shall consider at least the following factors:~~

22 (1) ~~The need for, and location of, new facilities.~~

23 (2) ~~The range and kinds of programs appropriate to each~~
24 ~~institution or system.~~

25 (3) ~~The budgetary priorities of the institutions and systems of~~
26 ~~postsecondary education.~~

27 (4) ~~The impact of various types and levels of student charges~~
28 ~~on students and on postsecondary education programs and~~
29 ~~institutions.~~

30 (5) ~~The appropriate levels of state-funded student financial aid.~~

31 (6) ~~The access and admission of students to postsecondary~~
32 ~~education.~~

33 (7) ~~The educational programs and resources of independent~~
34 ~~and private postsecondary institutions.~~

35 (8) ~~The provisions of this division differentiating the functions~~
36 ~~of the public systems of higher education.~~

37 (c) ~~It shall update the plan periodically, as appropriate.~~

38 (d) ~~It shall participate in appropriate stages of the executive and~~
39 ~~the legislative budget processes as requested by the executive and~~
40 ~~the legislative branches, and shall advise the executive and the~~

1 ~~legislative branches as to whether segmental programmatic~~
2 ~~budgetary requests are compatible with the state plan. It is not~~
3 ~~intended that the commission hold independent budget hearings.~~

4 (e) ~~It shall advise the Legislature and the Governor regarding~~
5 ~~the need for, and location of, new institutions and campuses of~~
6 ~~public higher education.~~

7 (f) ~~It shall review proposals by the public segments for new~~
8 ~~programs, the priorities that guide them, and the degree of~~
9 ~~coordination with nearby public, independent, and private~~
10 ~~postsecondary educational institutions, and shall make~~
11 ~~recommendations regarding those proposals to the Legislature and~~
12 ~~the Governor.~~

13 (g) ~~In consultation with the public segments, it shall establish~~
14 ~~a schedule for segmental review of selected educational programs,~~
15 ~~evaluate the program approval, review, and disestablishment~~
16 ~~processes of the segments, and report its findings and~~
17 ~~recommendations to the Legislature and the Governor.~~

18 (h) ~~It shall serve as a stimulus to the segments and institutions~~
19 ~~of postsecondary education by projecting and identifying societal~~
20 ~~and educational needs and encouraging adaptability to change.~~

21 (i) ~~It shall periodically collect or conduct, or both collect and~~
22 ~~conduct, studies of projected manpower supply and demand, in~~
23 ~~cooperation with appropriate state agencies, and disseminate the~~
24 ~~results of those studies to institutions of postsecondary education~~
25 ~~and to the public in order to improve the information base upon~~
26 ~~which student choices are made.~~

27 (j) ~~It shall periodically review and make recommendations~~
28 ~~concerning the need for, and availability of, postsecondary~~
29 ~~programs for adult and continuing education.~~

30 (k) ~~It shall develop criteria for evaluating the effectiveness of~~
31 ~~all aspects of postsecondary education.~~

32 (l) ~~It shall maintain and update annually an inventory of all~~
33 ~~off-campus programs and facilities for education, research, and~~
34 ~~community services operated by public and independent~~
35 ~~institutions of postsecondary education.~~

36 (m) (1) ~~It shall act as a clearinghouse for postsecondary~~
37 ~~education information and as a primary source of information for~~
38 ~~the Legislature, the Governor, and other agencies. It shall develop~~
39 ~~and maintain a comprehensive data base that does all of the~~
40 ~~following:~~

1 ~~(A) Ensures comparability of data from diverse sources.~~

2 ~~(B) Supports longitudinal studies of individual students as they~~
3 ~~progress through the state's postsecondary educational~~
4 ~~institutions, based upon the commission's existing student data~~
5 ~~base through the use of a unique student identifier.~~

6 ~~(C) Is compatible with the California School Information~~
7 ~~System and the student information systems developed and~~
8 ~~maintained by the public segments of higher education, as~~
9 ~~appropriate.~~

10 ~~(D) Provides Internet access to data, as appropriate, to the~~
11 ~~sectors of higher education.~~

12 ~~(E) Provides each of the educational segments access to the~~
13 ~~data made available to the commission for the purposes of the data~~
14 ~~base, in order to support, most efficiently and effectively,~~
15 ~~statewide, segmental, and individual campus educational research~~
16 ~~information needs.~~

17 ~~(2) The commission, in implementing paragraph (1), shall~~
18 ~~comply with the federal Family Educational Rights and Privacy~~
19 ~~Act of 1974 (20 U.S.C. Sec. 1232g) relating to the disclosure of~~
20 ~~personally identifiable information concerning students.~~

21 ~~(3) The commission may not make available any personally~~
22 ~~identifiable information received from a postsecondary~~
23 ~~educational institution concerning students for any regulatory~~
24 ~~purpose unless the institution has authorized the commission to~~
25 ~~provide that information on behalf of the institution.~~

26 ~~(4) The commission shall provide 30-day notification to the~~
27 ~~chairpersons of the appropriate legislative policy and budget~~
28 ~~committees of the Legislature, to the Director of Finance, and to~~
29 ~~the Governor prior to making any significant changes to the~~
30 ~~student information contained in the data base.~~

31 ~~(n) It shall establish criteria for state support of new and~~
32 ~~existing programs, in consultation with the public segments, the~~
33 ~~Department of Finance, and the Joint Legislative Budget~~
34 ~~Committee.~~

35 ~~(o) It shall comply with the appropriate provisions of the~~
36 ~~federal Education Amendments of 1972 (P.L. 92-318), as~~
37 ~~specified in Section 67000.~~

38 ~~(p) It shall consider the relationship among academic education~~
39 ~~and vocational education and job training programs, and shall~~

1 ~~actively consult with representatives of public and private~~
2 ~~education.~~

3 ~~(q) It shall review all proposals for changes in eligibility pools~~
4 ~~for admission to public institutions and segments of postsecondary~~
5 ~~education and shall make recommendations to the Legislature, the~~
6 ~~Governor, and institutions of postsecondary education. In carrying~~
7 ~~out this subdivision, the commission periodically shall conduct a~~
8 ~~study of the percentages of California public high school graduates~~
9 ~~estimated to be eligible for admission to the University of~~
10 ~~California and the California State University. The changes made~~
11 ~~to this subdivision during the 2001-02 Regular Session of the~~
12 ~~Legislature shall be implemented only during those fiscal years for~~
13 ~~which funding is provided for the purposes of those provisions in~~
14 ~~the annual Budget Act or in another measure.~~

15 ~~(r) It shall report periodically to the Legislature and the~~
16 ~~Governor regarding the financial conditions of independent~~
17 ~~institutions, their enrollment and application figures, the number~~
18 ~~of student spaces available, and the respective cost of utilizing~~
19 ~~those spaces as compared to providing additional public spaces.~~
20 ~~The reports shall include recommendations concerning state~~
21 ~~policies and programs having a significant impact on independent~~
22 ~~institutions.~~

23 ~~(s) Upon request of the Legislature or the Governor, it shall~~
24 ~~submit to the Legislature and the Governor a report on all matters~~
25 ~~so requested that are compatible with its role as the statewide~~
26 ~~postsecondary education planning and coordinating agency. Upon~~
27 ~~request of individual Members of the Legislature or personnel in~~
28 ~~the executive branch, the commission shall submit information or~~
29 ~~a report on any matter to the extent that sufficient resources are~~
30 ~~available. From time to time, it also may submit to the Legislature~~
31 ~~and the Governor a report that contains recommendations as to~~
32 ~~necessary or desirable changes, if any, in the functions, policies,~~
33 ~~and programs of the several segments of public, independent, and~~
34 ~~private postsecondary education.~~

35 ~~(t) In consultation with the public segments, it shall consider~~
36 ~~the development of facilities to be used by more than one segment~~
37 ~~of public higher education, commonly called "joint-use~~
38 ~~facilities." It shall recommend to the Legislature criteria and~~
39 ~~processes for different segments to utilize bond funds for these~~
40 ~~intersegmental, joint-use facilities.~~

~~(u) It may undertake other functions and responsibilities that are compatible with its role as the statewide postsecondary education planning and coordinating agency.~~

SEC. 31. Section 66903.2 of the Education Code is repealed.

~~66903.2. The Office of Statewide Health Planning and Development shall consult with the commission in the development by the office of its Health Manpower Plan and recommendations for meeting the needs in California for health science personnel. This consultation shall focus on whether health science education enrollment levels are adequate to meet the state's health manpower needs by category and specialty within each category.~~

SEC. 32. Section 66941 of the Education Code is amended to read:

66941. (a) The Legislature finds and declares that access to a high quality education is the primary goal for the use of educational technology in higher education. All students in California's public schools and colleges and all adults in the state shall have access to educational opportunities for which they are qualified, regardless of their income level, geographic location, or the size of the school they attend.

~~(b) Pursuant to its statutory planning and coordination functions and responsibilities identified in Section 66900, the California Postsecondary Education Commission shall convene an intersegmental working group to determine state funding priorities consistent with the institutional missions of the systems of higher education.~~

~~(c) The intersegmental working group shall observe all of the following principles to guide the development of priorities and the proposed expenditure of state revenues on technology infrastructure and applications:~~

~~(1) Development of a statewide infrastructure that provides compatible connectivity between all levels of education to reduce redundancy and increase efficiency.~~

~~(2) Adherence to nationally and internally accepted protocols and standards.~~

~~(3) Assurance that the standards for course and program quality applied to distance education are rigorous in meeting accreditation standards, Universal Design Standards, and standards currently applied to traditional classroom instruction at higher educational~~

1 ~~institutions in the areas of course content, student achievement~~
2 ~~levels, and coherence of the curriculum.~~

3 ~~(4) Collaboration between the private sector and educational~~
4 ~~institutions in the availability and use of technology in~~
5 ~~low-performing schools and underserved areas.~~

6 ~~(5) Collaboration across departments, institutions, states, and~~
7 ~~countries in the use of technology.~~

8 ~~(6) Use of technology to contain costs, improve student~~
9 ~~outcomes, and enhance quality in instructional and~~
10 ~~noninstructional functions, such as student services, libraries, and~~
11 ~~administrative support.~~

12 ~~(d) The intersegmental working group shall be composed of~~
13 ~~representatives from public, elementary and secondary education,~~
14 ~~the California State University, the California Community~~
15 ~~Colleges, the University of California, independent accredited~~
16 ~~universities and colleges, state approved schools and colleges,~~
17 ~~private sector providers of distance education, the Office of the~~
18 ~~Secretary of Education, and the private sector.~~

19 ~~(e) The commission shall facilitate the development of~~
20 ~~statewide funding priorities for technology in higher education,~~
21 ~~and shall forward the recommendations of the working group to~~
22 ~~the Legislature and the Governor on or before August 1, 2002.~~

23 SEC. 33. Section 69563 of the Education Code is repealed.

24 ~~69563. The California Postsecondary Education Commission~~
25 ~~shall periodically review and evaluate the Student Opportunity~~
26 ~~and Access Program as part of the commission's regular~~
27 ~~assessment of student academic development programs in the~~
28 ~~state. The commission shall include in the evaluation an~~
29 ~~assessment of the admission, progress, retention, and graduation~~
30 ~~of program participants from postsecondary institutions.~~

31 SEC. 34. Section 70900 of the Education Code is amended to
32 read:

33 70900. There is hereby created, *as a public trust*, the
34 California Community Colleges, a postsecondary education
35 system consisting of community college districts heretofore and
36 hereafter established pursuant to law and the Board of Governors
37 of the California Community Colleges. The board of governors
38 shall carry out the functions specified in Section 70901, and local
39 districts shall carry out the functions specified in Section 70902.

SEC. 35. Section 70901 of the Education Code is amended to read:

70901. (a) (1) The Board of Governors of the California Community Colleges shall provide leadership and direction in the continuing development of the California Community Colleges as an integral and effective element in the structure of public higher education in the state. ~~The work of the board of governors shall at all times be directed to maintaining and continuing, to the maximum degree permissible, local authority and control in the administration of the California Community Colleges~~

(2) *The board of governors shall accomplish all of the following:*

(A) *Exercise general supervision over, and coordinate, the local community college districts.*

(B) *Provide leadership and direction through research and planning.*

(C) *Establish minimum conditions and standards for all districts to receive state support and to function within the system.*

(D) *Establish specific accountability measures, and ensure evaluation of district performance based on those measures.*

(E) *Approve courses of instruction and educational programs that meet local, regional, and state needs.*

(F) *Administer state operational and capital outlay support programs.*

(G) *Adopt a proposed system budget and allocation process.*

(H) *Ensure systemwide articulation with other segments of education.*

(I) *Represent the districts before state and national legislative and executive agencies.*

(b) Subject to, and in furtherance of, subdivision (a), and in consultation with community college districts and other interested parties as specified in subdivision (e), the board of governors shall provide general supervision over community college districts, and shall, in furtherance thereof, perform the following functions:

(1) Establish minimum standards as required by law, including, but not limited to, the following:

(A) Minimum standards to govern student academic standards relating to graduation requirements and probation, dismissal, and readmission policies.

1 (B) Minimum standards for the employment of academic and
2 administrative staff in community colleges.

3 (C) Minimum standards for the formation of community
4 colleges and districts.

5 (D) Minimum standards for credit and noncredit classes.

6 (E) Minimum standards governing procedures established by
7 governing boards of community college districts to ensure faculty,
8 staff, and students the right to participate effectively in district and
9 college governance, and the opportunity to express their opinions
10 at the campus level and to ensure that these opinions are given
11 every reasonable consideration, and the right of academic senates
12 to assume primary responsibility for making recommendations in
13 the areas of curriculum and academic standards.

14 (2) Evaluate and issue annual reports on the fiscal and
15 educational effectiveness of community college districts
16 according to outcome measures cooperatively developed with
17 those districts, and provide assistance when districts encounter
18 severe management difficulties.

19 (3) Conduct necessary systemwide research on community
20 colleges and provide appropriate information services, including,
21 but not limited to, definitions for the purpose of uniform reporting,
22 collection, compilation, and analysis of data for effective planning
23 and coordination, and dissemination of information.

24 (4) Provide representation, advocacy, and accountability for
25 the California Community Colleges before state and national
26 legislative and executive agencies.

27 (5) Administer state support programs, both operational and
28 capital outlay, and those federally supported programs for which
29 the board of governors has responsibility pursuant to state or
30 federal law. In so doing, the board of governors shall do the
31 following:

32 (A) (i) Annually prepare and adopt a proposed budget for the
33 California Community Colleges. The proposed budget shall, at a
34 minimum, identify the total revenue needs for serving educational
35 needs within the mission, the amount to be expended for the state
36 general apportionment, the amounts requested for various
37 categorical programs established by law, the amounts requested
38 for new programs and budget improvements, and the amount
39 requested for systemwide administration.

40 The

1 (ii) *The* proposed budget for the California Community
2 Colleges shall be submitted to the Department of Finance in
3 accordance with established timelines for development of the
4 annual Budget Bill.

5 (B) To the extent authorized by law, establish the method for
6 determining and allocating the state general apportionment.

7 (C) Establish space and utilization standards for facility
8 planning in order to determine eligibility for state funds for
9 construction purposes.

10 (6) Establish minimum conditions entitling districts to receive
11 state aid for support of community colleges. In so doing, the board
12 of governors shall establish and carry out a periodic review of each
13 community college district to determine whether it has met the
14 minimum conditions prescribed by the board of governors.

15 (7) Coordinate and encourage interdistrict, regional, and
16 statewide development of community college programs, facilities,
17 and services.

18 (8) Facilitate articulation with other segments of higher
19 education with secondary education.

20 (9) Review and approve comprehensive plans for each
21 community college district. The plans shall be submitted to the
22 board of governors by the governing board of each community
23 college district.

24 (10) Review and approve all educational programs offered by
25 community college districts, and all courses that are not offered as
26 part of an educational program approved by the board of
27 governors.

28 (11) Exercise general supervision over the formation of new
29 community college districts and the reorganization of existing
30 community college districts, including the approval or disapproval
31 of plans therefor.

32 (12) Notwithstanding any other provision of law, be solely
33 responsible for establishing, maintaining, revising, and updating,
34 as necessary, the uniform budgeting and accounting structures and
35 procedures for the California Community Colleges.

36 (13) Establish policies regarding interdistrict attendance of
37 students.

38 (14) Advise and assist governing boards of community college
39 districts on the implementation and interpretation of state and
40 federal laws affecting community colleges.



1 (15) Contract for the procurement of goods and services, as
2 necessary.

3 (16) Carry out other functions as expressly provided by law.

4 (c) Subject to, and in furtherance of, subdivision (a), the board
5 of governors shall have full authority to adopt rules and regulations
6 necessary and proper to execute the functions specified in this
7 section as well as other functions that the board of governors is
8 expressly authorized by statute to regulate.

9 (d) Wherever in this section or any other statute a power is
10 vested in the board of governors, the board of governors, by a
11 majority vote, may adopt a rule delegating that power to the
12 chancellor, or any officer, employee, or committee of the
13 California Community Colleges, or community college district, as
14 the board of governors may designate. However, the board of
15 governors shall not delegate any power that is expressly made
16 nondelegable by statute. Any rule delegating authority shall
17 prescribe the limits of delegation.

18 (e) In performing the functions specified in this section, the
19 board of governors shall establish and carry out a process for
20 consultation with institutional representatives of community
21 college districts so as to ensure their participation in the
22 development and review of policy proposals. The consultation
23 process shall also afford community college organizations, as well
24 as interested individuals and parties, an opportunity to review and
25 comment on proposed policy before it is adopted by the board of
26 governors.

27 SEC. 36. Section 70902 of the Education Code is amended to
28 read:

29 70902. (a) (1) Every community college district shall be
30 under the control of a board of trustees, which is referred to herein
31 as the “governing board.” The governing board of each
32 community college district shall establish, maintain, operate, and
33 govern one or more community colleges in accordance with law.
34 In so doing, the governing board may initiate and carry on any
35 program, activity, or may otherwise act in any manner that is not
36 in conflict with or inconsistent with, or preempted by, any law and
37 that is not in conflict with the purposes for which community
38 college districts are established.

39 ~~The~~

1 (2) *The governing board of each community college district*
2 *shall establish rules and regulations not inconsistent with the*
3 *regulations of the board of governors and the laws of this state for*
4 *the government and operation of one or more community colleges*
5 *in the district.*

6 (b) In furtherance of the provisions of subdivision (a), the
7 governing board of each community college district shall do all of
8 the following:

9 (1) ~~Establish policies for, and approve, current and long-range~~
10 ~~academic and facilities plans and programs and promote orderly~~
11 ~~growth and development of the community colleges within the~~
12 ~~district. In so doing, the governing board shall, as required by law,~~
13 ~~establish policies for, develop, and approve, comprehensive plans.~~
14 ~~The governing board shall submit the comprehensive plans to the~~
15 ~~board of governors for review and approval.~~

16 (2) ~~Establish policies for and approve courses of instruction~~
17 ~~and educational programs. The educational programs shall be~~
18 ~~submitted to the board of governors for approval. Courses of~~
19 ~~instruction that are not offered in approved educational programs~~
20 ~~shall be submitted to the board of governors for approval. The~~
21 ~~governing board shall establish policies for, and approve,~~
22 ~~individual courses that are offered in approved educational~~
23 ~~programs without referral to the board of governors.~~

24 (3) ~~Establish academic standards, probation and dismissal and~~
25 ~~readmission policies, and graduation requirements not~~
26 ~~inconsistent with the minimum standards adopted by the board of~~
27 ~~governors.~~

28 (4) ~~Employ and assign all personnel not inconsistent with the~~
29 ~~minimum standards adopted by the board of governors and~~
30 ~~establish employment practices, salaries, and benefits for all~~
31 ~~employees not inconsistent with the laws of this state.~~

32 (5) ~~To the extent authorized by law, determine and control the~~
33 ~~district's operational and capital outlay budgets. The district~~
34 ~~governing board shall determine the need for elections for override~~
35 ~~tax levies and bond measures and request that those elections be~~
36 ~~called.~~

37 (6) ~~Manage and control district property. The governing board~~
38 ~~may contract for the procurement of goods and services as~~
39 ~~authorized by law.~~

~~(7) Establish procedures not inconsistent with minimum standards established by the board of governors to ensure faculty, staff, and students the opportunity to express their opinions at the campus level and to ensure that these opinions are given every reasonable consideration, and the right to participate effectively in district and college governance, and the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.~~

~~(8) Establish rules and regulations governing student conduct.~~

~~(9) Establish student fees as it is required to establish by law, and, in its discretion, fees as it is authorized to establish by law.~~

~~(10) In its discretion, receive and administer gifts, grants, and scholarships.~~

~~(11) Provide auxiliary services as deemed necessary to achieve the purposes of the community college.~~

~~(12) Within the framework provided by law, determine the district's academic calendar, including the holidays it will observe.~~

~~(13) Hold and convey property for the use and benefit of the district. The governing board may acquire by eminent domain any property necessary to carry out the powers or functions of the district.~~

~~(14) Participate in the consultation process established by the board of governors for the development and review of policy proposals. Establish, maintain, and oversee each college of the district.~~

(2) Ensure that the district meets the minimum conditions and standards established by the board of governors.

(3) Establish policies for local academic, operations, and facilities planning to ensure that the statutory mission is accomplished within the conditions and standards established by the board of governors.

(4) Adopt local district budgets.

(5) Oversee the procurement and management of the real property of the district.

(6) Establish policies governing student conduct.

(7) Establish policies to guide new course development, course revision or deletion, and curricular quality.

(c) In carrying out the powers and duties specified in subdivision (b) or other provisions of statute, the governing board of each community college district shall have full authority to

1 adopt rules and regulations, not inconsistent with the regulations
2 of the board of governors and the laws of this state, that are
3 necessary and proper to executing these prescribed functions.

4 (d) Wherever in this section or any other statute a power is
5 vested in the governing board, the governing board of a
6 community college district, by majority vote, may adopt a rule
7 delegating the power to the district's chief executive officer or any
8 other employee or committee as the governing board may
9 designate; provided, however, that the governing board shall not
10 delegate any power that is expressly made nondelegable by statute.
11 Any rule delegating authority shall prescribe the limits of the
12 delegation.

13 SEC. 37. Section 71000 of the Education Code is amended to
14 read:

15 71000. (a) There is in the state government a Board of
16 Governors of the California Community Colleges, consisting of
17 ~~46~~ 20 voting members and one nonvoting member;.

18 (b) *Sixteen of the voting members, and the nonvoting member,*
19 *shall each be appointed by the Governor, as follows:*

20 ~~(a)–~~

21 (1) Thirteen members, each appointed with the advice and
22 consent of two-thirds of the membership of the Senate to six-year
23 staggered terms. Two of these members shall be current or former
24 elected members of local community college district governing
25 boards.

26 ~~(b) (1) (A)–~~

27 (2) (A) (i) One voting student member, and one nonvoting
28 student member, who exercise their duties in accordance with the
29 procedure set forth in ~~paragraph (3)~~ subparagraph (C).

30 ~~(B)–~~

31 (ii) These students shall be enrolled in a community college
32 with a minimum of five semester units, or its equivalent, at the time
33 of the appointment and throughout the period of their terms, or
34 until a replacement has been named. A student member shall be
35 enrolled in a community college at least one semester prior to his
36 or her appointment, and shall meet and maintain the minimum
37 standards of scholarship prescribed for community college
38 students.

39 ~~(C)–~~

1 (iii) Each student member shall be appointed from a list of
2 names of at least three persons submitted to the Governor by the
3 California Student Association of Community Colleges.

4 ~~(2)–~~

5 (B) The term of office of one student member of the board shall
6 commence on July 1 of an even-numbered year and expire on June
7 30 two years thereafter. The term of office of the other student
8 member of the board shall commence on July 1 of an
9 odd-numbered year and expire on June 30 two years thereafter.
10 Notwithstanding ~~paragraph (1)~~ *subparagraph (A)*, a student
11 member who graduates from his or her college on or after January
12 1 of the second year of his or her term of office may serve the
13 remainder of the term.

14 ~~(3)–~~

15 (C) During the first year of a student member's term, a student
16 member shall be a member of the board and may attend all
17 meetings of the board and its committees. At these meetings, a
18 student member may fully participate in discussion and debate, but
19 may not vote. During the second year of a student member's term,
20 a student member may exercise the same right to attend meetings
21 of the board, and its committees, and shall have the same right to
22 vote as the members appointed pursuant to ~~subdivisions (a) and (c)~~
23 *paragraphs (1) and (3)*.

24 ~~(4)–~~

25 (D) Notwithstanding ~~paragraph (3)~~ *subparagraph (C)*, if a
26 student member resigns from office or a vacancy is otherwise
27 created in that office during the second year of a student member's
28 term, the remaining student member shall immediately assume the
29 office created by the vacancy and all of the participation privileges
30 of the second-year student member, including the right to vote, for
31 the remainder of that term of office.

32 ~~(e)–~~

33 (3) Two tenured faculty members from a community college,
34 who shall be appointed for two-year terms. The Governor shall
35 appoint each faculty member from a list of names of at least three
36 persons furnished by the Academic Senate of the California
37 Community Colleges. Each seat designated as a tenured faculty
38 member seat shall be filled by a tenured faculty member from a
39 community college pursuant to this section and Section 71003.

1 (c) *The Governor, the Lieutenant Governor, the Superintendent*
2 *of Public Instruction, and the Speaker of the Assembly shall each*
3 *serve, ex officio, as voting members of the board of governors.*

4 SEC. 38. Section 71092 of the Education Code is amended to
5 read:

6 71092. (a) The board of governors shall employ and fix the
7 compensation, in accordance with law, of assistants, clerical, and
8 other employees, *including the managerial and professional*
9 *employees that it appoints*, as it deems necessary for the effective
10 conduct of the work of the board and the chancellor's office.

11 (b) Notwithstanding Section 19849.5 of the Government Code,
12 the ~~Board of Governors of the California Community Colleges~~
13 *board of governors* shall designate the headquarters for each of its
14 employees, except as provided in Section 71004.

15 SEC. 39. Section 87482.4 of the Education Code is amended
16 to read:

17 87482.4. ~~(a)~~ The Legislature finds and declares that, in the
18 state's community college system, teaching constitutes a greater
19 share of the faculty workload, as compared to the California State
20 University or the University of California systems. California's
21 community college system requires that a faculty member hold, as
22 a basic qualification, a master's degree. Furthermore, the
23 community college system uses a different professional review
24 process, as compared to the California State University or the
25 University of California systems.

26 ~~(b) The California Postsecondary Education Commission shall~~
27 ~~conduct a comprehensive study of the California Community~~
28 ~~College system's part-time faculty employment, salary, and~~
29 ~~compensation patterns as they relate to full-time community~~
30 ~~college faculty with similar education credentials and work~~
31 ~~experience. The study shall include a representative sample of~~
32 ~~urban, rural, and suburban community colleges in California and~~
33 ~~shall also refer to similarly situated community colleges in other~~
34 ~~states.~~

35 ~~(c) The study specified in subdivision (b) shall include, but not~~
36 ~~necessarily be limited to, the addressing of policy options~~
37 ~~available to achieve pay equity between community college~~
38 ~~part-time faculty and full-time faculty and shall also include both~~
39 ~~of the following:~~

1 ~~(1) A quantitative analysis examining duties and tasks of~~
2 ~~part-time faculty as compared to full-time faculty. The duties and~~
3 ~~tasks examined shall include classroom teaching, preparation,~~
4 ~~office hours, recordkeeping, student evaluations,~~
5 ~~recommendations, and other professional practices that compare~~
6 ~~the similarities and differences between a part-time and full-time~~
7 ~~faculty position. This quantitative analysis shall also include both~~
8 ~~of the following:~~

9 ~~(A) An examination of whether part-time faculty salaries vary~~
10 ~~significantly among community colleges and the factors that are~~
11 ~~associated with any salary differential.~~

12 ~~(B) Data concerning the salary compensation pattern for~~
13 ~~part-time community college faculty in California and in similarly~~
14 ~~situated community colleges in other states, and the disparity~~
15 ~~between part-time and full-time compensation for the equivalent~~
16 ~~education and experience.~~

17 ~~(2) An identification of specific policy and fiscal~~
18 ~~recommendations that would enable the California Community~~
19 ~~Colleges to achieve a compensation schedule that achieves pay~~
20 ~~equity for part-time faculty.~~

21 ~~(d) The California Postsecondary Education Commission~~
22 ~~shall, in conducting the study required by this section, consult~~
23 ~~various representatives of the education community, including the~~
24 ~~Board of Governors of the California Community Colleges,~~
25 ~~community college faculty groups, and other interested parties.~~

26 ~~(e) Notwithstanding Section 7550.5 of the Government Code,~~
27 ~~the California Postsecondary Education Commission shall release~~
28 ~~the preliminary findings of the study required by this section to the~~
29 ~~Legislature and the Governor, on or before March 31, 2000, and~~
30 ~~shall transmit the study to the Legislature and the Governor on or~~
31 ~~before July 1, 2000.~~

32 ~~(f) It is the intent of the Legislature that funding for conducting~~
33 ~~the study required by this section shall be made available through~~
34 ~~an appropriation, either in future legislation or in the annual~~
35 ~~Budget Act, in an amount of up to one hundred fifty thousand~~
36 ~~dollars (\$150,000).~~

37 ~~SEC. 40. Section 99181 of the Education Code is repealed.~~

38 ~~99181. The University of California, the California State~~
39 ~~University, and the California Community Colleges shall each~~
40 ~~prepare a list of reports required to be submitted on a regular basis~~

1 to the Legislature and to state agencies. The purpose of each report
2 shall be identified, as well as the costs associated with production
3 of the report. Prior to March 1, 1992, this information shall be
4 submitted to the education policy and fiscal committees of the
5 Legislature, the Department of Finance, and the California
6 Postsecondary Education Commission. The California
7 Postsecondary Education Commission shall review and comment
8 on the utility of the required reports identified by the educational
9 institutions, and offer recommendations for consolidating or
10 eliminating existing reporting requirements in order to reduce
11 operating expenses and streamline reporting provisions.

12 SEC. 41. Section 99182 of the Education Code is repealed.

13 99182. (a) On or before November 15, 1994, and each
14 November 15 thereafter, the California Postsecondary Education
15 Commission shall submit a higher education report to the
16 Legislature and the Governor which provides information to the
17 citizens of the state on the significant indicators of performance of
18 the public colleges and universities. This annual report shall be
19 presented in a readable format. Prior to publication, the
20 commission shall distribute a draft of the report to all public
21 colleges and universities for comment.

22 (b) The commission, in cooperation with the public colleges
23 and universities, shall develop and adopt a format for the higher
24 education report specified in subdivision (a) and the information
25 to be included. The following types of information shall be
26 considered for inclusion in the report with respect to public
27 universities:

28 (1) The retention rate of students.

29 (2) The proportion of lower division instructional courses
30 taught by tenured and tenure track faculty.

31 (3) The minimum number of hours per semester required to be
32 spent by faculty in student advisement.

33 (4) The proportion of graduate and undergraduate students
34 participating in sponsored research programs.

35 (5) Placement data on graduates.

36 (6) The proportional changes in the participation and
37 graduation rates of students from groups historically
38 underrepresented in higher education.

1 ~~(7) The proportion of graduate students who received~~
2 ~~undergraduate degrees (A) at the institution, (B) within the state,~~
3 ~~(C) within the United States, and (D) from other nations.~~

4 ~~(8) The number of full-time students who have transferred~~
5 ~~from a California community college.~~

6 ~~(9) Demonstrable evidence of improvements in student~~
7 ~~knowledge, capacities, and skills between entrance and~~
8 ~~graduation, where this evidence exists.~~

9 ~~(10) Results of surveys of students regarding student attitudes~~
10 ~~and experiences, where these surveys exist.~~

11 ~~(e) The following types of information shall be considered for~~
12 ~~inclusion in the report with respect to public community colleges:~~

13 ~~(1) The retention rate of students.~~

14 ~~(2) The proportion of remedial or developmental education~~
15 ~~courses taught by full-time faculty.~~

16 ~~(3) The number of hours per student per semester spent by~~
17 ~~faculty in student advisement.~~

18 ~~(4) Placement data on graduates.~~

19 ~~(5) The proportional change in the participation and graduation~~
20 ~~rate of students from groups historically underrepresented in~~
21 ~~higher education.~~

22 ~~(6) The number of students who have transferred into a~~
23 ~~four-year, postsecondary institution, by ethnicity and gender.~~

24 ~~(7) Demonstrable evidence of improvements in student~~
25 ~~knowledge, capacities, and skills between entrance and~~
26 ~~graduation, where this evidence exists.~~

27 ~~(8) Results of surveys of students regarding student attitudes~~
28 ~~and experiences, where these surveys exist.~~

29 SEC. 42. Notwithstanding Section 17610 of the Government
30 Code, if the Commission on State Mandates determines that this
31 act contains costs mandated by the state, reimbursement to local
32 agencies and school districts for those costs shall be made pursuant
33 to Part 7 (commencing with Section 17500) of Division 4 of Title
34 2 of the Government Code. If the statewide cost of the claim for
35 reimbursement does not exceed one million dollars (\$1,000,000),
36 reimbursement shall be made from the State Mandates Claims
37 Fund.

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